

your position to not only provide entertainment for the people of South Florida but to help lives, improve lives one person at a time.

I appreciate the fact that Josh Beckett—a big, old Texan I might add—[*laughter*—is involved with youth baseball. I hope that youth baseball reaches into places where a lot of kids may have lost hope. There's nothing more hopeful than for a person to be able to play on a team and realize their God-given talents on the athletic field. It's essential that baseball brings us joy, to not only suburbia but inner-city America as well. And Josh, I appreciate you understanding the vitality of youth baseball in America.

I appreciate A.J. Burnett working with the Florida division of the Center of Missing and Exploited Children, being willing to be involved, to use his position as somebody who South Florida looks up to, to help children. And what I found interesting is that more than 30 children featured in his "Play It Safe" days at Marlins games have been rescued. You know, winning baseball games is one thing; rescuing children has got to be a fantastic accomplishment. And A.J., I appreciate so very much your heart.

And then there's Juan Pierre. Every team in baseball wants him leading off, feisty little guy that he is and a great ballplayer. [*Laughter*] Yes, don't worry about putting weight on, you did all right. [*Laughter*] Whatever you did last year, do it again this year. [*Laughter*] And keep doing what you're doing—it's called "Pierre's Pack." It brings underprivileged kids to the ballpark.

See, he makes a good living, and he's willing to share those hard-earned dollars with the underprivileged kids.

To me, this is what being leaders are all about and champs are about. It's one thing to win on the field, and that's what we're here to herald, and it's a fantastic—fantastic moment for the ballplayers and the fans and everybody involved with the organization. But winners also do things off the field too. Winners understand they have obligations. They've got obligations to be a good mom or a dad. They've got obligations to give something back to the community and to the country that has made this opportunity for them possible. And the Marlins are fulfilling it all. They won on the field, and they're winning off the field. And I'm grateful.

Congratulations to the world champs.

NOTE: The President spoke at 2:50 p.m. in the East Room at the White House. In his remarks, he referred to Gov. Jeb Bush of Florida; Mayor Manuel Diaz of Miami, FL; Ivan "Pudge" Rodriguez, catcher, Florida Marlins, and his wife, Maribel; Jeffrey H. Loria, chairman, chief executive officer, and managing general partner, Florida Marlins, and his wife, Sivia; David Samson, president, Florida Marlins, and his wife, Cindi; Larry Beinfest, senior vice president/general manager, Ozzie Guillen, former third base coach, Andre Dawson and Tony Perez, special assistants to the president, Doug Davis, bench coach, Wayne Rosenthal, pitching coach, Perry Hill, first base/infield coach, Josh Beckett and A.J. Burnett, pitchers, and Juan Pierre, outfielder, Florida Marlins.

Statement on Signing the Consolidated Appropriations Act, 2004 January 23, 2004

Today, I have signed into law H.R. 2673, the "Consolidated Appropriations Act, 2004" (CAA). The CAA consolidates into

a single appropriations Act several appropriations bills that the Congress normally passes each year as separate bills to

fund the operations of the Federal Government.

Many provisions of the CAA are inconsistent with the constitutional authority of the President to conduct foreign affairs, command the Armed Forces, protect sensitive information, supervise the unitary executive branch, make appointments, and make recommendations to the Congress. Many other provisions unconstitutionally condition execution of the laws by the executive branch upon approval by congressional committees.

The executive branch shall construe as advisory the provisions of the Act that purport to: (1) direct or burden the Executive's conduct of foreign relations, including sections 514, 531, 548, 557, 570, 571, 589, 610, and 618(b) of, and language relating to an agreement under the heading "Other Bilateral Economic Assistance, Economic Support Fund" in, the Foreign Operations Appropriations Act; and sections 404, 612, and 635 of the Commerce, Justice, State Appropriations Act and language in that Act relating to World Trade Organization negotiations and United Nations Security Council voting; (2) limit the President's authority as Commander in Chief, such as language under the heading "Andean Counterdrug Initiative" in the Foreign Operations Appropriations Act and section 610 of the Commerce, Justice, State Appropriations Act; (3) limit the President's authority to supervise the unitary executive branch, such as section 610(3) of the Commerce, Justice, State Appropriations Act, and sections 618 and 628 of the Transportation, Treasury Appropriations Act and the language in that Act relating to Office of Management and Budget (OMB) review of executive branch orders, activities, regulations, transcripts, and testimony; or (4) restrict the President's constitutional authority to make appointments, such as section 604(c)(3)(B) of the Foreign Operations Appropriations Act and subsections 112(a) and (d) of the Commerce, Justice, State Appropriations Act.

In addition, the executive branch shall construe provisions in the CAA that mandate submission of information to the Congress, other entities outside the executive branch, or the public, such as section 637(e)(2) of the Commerce, Justice, State Appropriations Act, in a manner consistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties. Also, to the extent that provisions of the CAA, such as section 404 of the Transportation, Treasury Appropriations Act and section 721 of the Agriculture Appropriations Act, purport to require or regulate submission by executive branch officials of legislative recommendations to the Congress, the executive branch shall construe such provisions in a manner consistent with the President's constitutional authority to submit for congressional consideration such measures as the President judges necessary and expedient. In particular, the executive branch shall construe sections 121 and 223 of the Veterans Affairs, Housing and Urban Development Appropriations Act in a manner consistent with the President's authority under the Recommendations Clause to submit budget requests to the Congress in any form he determines appropriate.

The executive branch shall construe the phrase "developed by the Kimberley Process" in section 584 of the Foreign Operations Appropriations Act as requiring the enforcement only of those standards that are in existence as of enactment of the CAA, for the reasons I stated upon signing the Clean Diamond Trade Act on April 25, 2003.

The executive branch shall construe as calling solely for notification the provisions of the CAA that are inconsistent with the requirements of bicameral passage and presentment set forth by the Constitution, as construed by the Supreme Court of the United States in 1983 in *INS v. Chadha*.

Such provisions include: sections 704, 718, 732, and 786 in the Agriculture Appropriations Act and language relating to Food and Drug Administration fund transfers in that Act; section 436(5) of the District of Columbia Appropriations Act; section 207 of the Labor, Health and Human Services Appropriations Act and language under the Pension Benefit Guaranty Corporation Fund heading in that Act; sections 201, 211, 212, 217, 403, 526, 533, 614, 623, and 643 in the Transportation, Treasury Appropriations Act and language in that Act under the headings “Department of Transportation, Office of the Secretary, Salaries and Expenses,” “Department of Transportation, Working Capital Fund,” “Federal Transit Administration, Administrative Expenses,” “Treasury Building Annex Repair and Restoration,” “Internal Revenue Service, Business Systems Modernization,” “Federal Drug Control Programs, High Intensity Drug Trafficking Areas Program,” “General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue,” and “Human Capital Performance Fund;” and section 111 of the Veterans Affairs, Housing and Urban Development Appropriations Act and language in that Act relating to additional amounts for Capital Asset Realignment for Enhanced Services Activities.

Section 409 of the Commerce, Justice, State Appropriations Act purports to compel the Secretary of State to furnish all Department of State cables, on any topic and of whatever classification, to any member of the House or Senate appropriations committees who requests them. The executive branch shall construe this provision consistent with the President’s constitutional authority to withhold information the disclosure of which could impair foreign relations, national security, the deliberative process of the Executive, or the performance of the Executive’s constitutional duties.

The executive branch shall construe section 646 of the Transportation, Treasury Appropriations Act, relating to assignment of executive branch employees to perform functions in the legislative branch, in a manner consistent with the President’s constitutional authority to supervise the unitary executive branch and as Commander in Chief, and recognizing that the President cannot be compelled to give up the authority of his office as a condition of receiving the funds necessary to carrying out the duties of his office.

Several provisions of the CAA relate to race, ethnicity, or gender. The executive branch shall construe such provisions in a manner consistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Fifth Amendment to the Constitution.

Sections 153 and 154 of Division H of the CAA purport to establish inter-parliamentary groups of U.S. Senators to meet with members of the national legislatures of certain foreign countries for a discussion of common problems in the interest of relations between the United States and those countries. Consistent with the President’s constitutional authority to conduct the Nation’s foreign relations and as Commander in Chief, the executive branch shall construe sections 153 and 154 as authorizing neither representation of the United States nor disclosure of national security information protected by law or executive order.

The executive branch shall construe section 161 of Division H of the CAA as applicable only with respect to statutory functions assigned to the Director of OMB and not to the Director’s role of assisting the President in the President’s exercise of his constitutional powers of obtaining the opinions of the heads of departments, recommending for the consideration of the Congress such measures as the President judges necessary and expedient, and supervising the unitary executive branch. The executive branch shall not construe section 161 to

affect the power of the President to modify or amend the executive order to which the provision refers.

Several provisions in the CAA make specified changes in statements of managers of the House-Senate conference committees that accompanied various bills reported from conference that ultimately became laws. As with other committee materials, statements of managers accompanying a conference report do not have the force of law. Accordingly, although changes to

these statements are directed by the terms of the statute, the statements themselves are not legally binding.

GEORGE W. BUSH

The White House,
January 23, 2004.

NOTE: H.R. 2673, approved January 23, was assigned Public Law No. 108–199. An original was not available for verification of the content of this statement.

The President's Radio Address *January 24, 2004*

Good morning. In my State of the Union Address, I spoke of a great priority for our Nation, to confront the rising cost of health care and make sure that more of our citizens can afford the health care they need. Health care costs are rising too fast for many families and businesses. It is time to address this problem directly, with five clear steps that Congress can take this year.

First, we can help control rising health care costs by cutting down on frivolous lawsuits against doctors and hospitals. When health care providers are responsible for injuries, they should be accountable. Yet no one was ever healed by a junk or frivolous lawsuit.

This week, I will travel to Little Rock, Arkansas, to visit Baptist Health Medical Center. For Baptist and other hospitals across the Nation, frivolous lawsuits have dramatically increased the cost of medical liability premiums. These costs are passed on to patients in higher bills. These costs are driving doctors from important work, such as delivering babies. And these costs are driving some doctors out of medicine entirely.

In order to protect the doctor-patient relationship, Congress should pass medical li-

ability reform that removes the threat of frivolous lawsuits and the needless costs they impose on our health care system.

Second, we should help more small businesses afford health insurance for their workers by allowing these firms to band together and negotiate for lower insurance rates. These association health plans give small employers the same bargaining power as big companies, making it easier for them to provide employee health coverage. The House has passed a bill supporting these health plans, and the Senate needs to act.

Third, Congress should give lower income Americans refundable tax credits to help them purchase health insurance. These tax credits would total up to \$1,000 for individuals and \$3,000 for families. For many Americans lacking health insurance, these credits would make the difference between affording insurance and going without.

Fourth, we should help Americans with their health care costs by encouraging the use of health savings accounts. Congress passed these accounts last year in the Medicare bill, allowing people to save money for future medical expenses tax-free.